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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PARDEEP KULLAR,

Plaintiff,

vs.

AFNI, INC.,

Defendant.

Case No.: 2:15-CV-04604 (RAOx)

(Assigned to the Honorable George
H. Wu Courtroom "10")

JOINT RULE 26(F) REPORT

SCHEDULING CONFERENCE

Date: July 30, 2015

Time: 8:30 a.m.

Dept.: "10"

Removal Filed: June 17, 2015

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel for Plaintiff and counsel for Defendant conferred to discuss the matters set forth in Rule 16, Rule 26(f), and the Court's Order dated June 24, 2015, setting the Scheduling Conference. The parties hereby submit their Joint Rule 26(f) Report:

1. SUBJECT MATTER JURISDICTION

Defendant claims jurisdiction is proper under 28 U.S.C. § 1331 and because this case arises out of violations of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs.*, LLC, 132 S. Ct. 740 (2012).

No issues exist regarding personal jurisdiction or venue.

All named parties have been served. The parties do not intend to amend or supplement the pleadings at this time but reserve the right to do so after engaging in further discovery, if necessary. However, in the event that it is necessary, Plaintiff will move to join parties by March 20, 2015.

2. STATEMENT OF FACTS

Plaintiff brings this action against Defendant AFNI, Inc. ("Defendant" or "AFNI") for allegedly negligently, knowingly, and/or willfully contacting Plaintiff beginning in or around January 2015, in attempt to collect an alleged outstanding debt, thereby invading Plaintiff's privacy, and in violation of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788, et seq. (hereinafter "RFDCPA") and the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq. (hereinafter "FDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

On May 18, 2015, Plaintiff filed her Complaint against AFNI in the Superior Court of the State of California, County of Los Angeles, entitled *Pardeep Kullar v. AFNI, INC.*, as case number 15K05929 for violations of the RFDCPA, and FDCPA. On June 17, 2015, Defendant filed a Notice of Removal with this Court. On June 7, 2015, Defendant filed its Answer to Plaintiff's Complaint.

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1 **3. LEGAL ISSUES**

2 Plaintiff's brief statement regarding issues of law:

- 3 a. Whether Defendant violated the RFDCPA, Cal Civ. Code § 1788,
- 4 *et seq?*
- 5 b. Whether Defendant violated the FDCPA, 15 U.S.C. § 1692 *et seq.*?

6 Defendant's brief statement regarding issues of law:

- 7 a. Whether Defendant violated the RFDCPA, Cal Civ. Code § 1788,
- 8 *et seq?*
- 9 b. Whether Defendant violated the FDCPA, 15 U.S.C. § 1692 *et seq.*?
- 10 c. Whether any alleged violation of the FDCPA and/or RFDCPA,
- 11 which was unintentional?
- 12 d. Whether Plaintiff revoked consent for Defendant to contact
- 13 Plaintiff's telephone?
- 14 e. Whether Plaintiff's claims are barred by the applicable statute of
- 15 limitations?
- 16 f. Whether arbitration is the appropriate venue for Plaintiff's claims?
- 17 g. Whether Plaintiff has standing under Article III of the United
- 18 States Constitution to bring her claims?
- 19 h. Whether any recovery to Plaintiff should be set-off by the amount
- 20 Plaintiff owes on the underlying debt?
- 21 i. Whether the Complaint and each purported cause of action alleged
- 22 therein are barred by Plaintiff's own conduct, actions, omissions
- 23 and inactions and constitute a waiver or consent of Plaintiff's
- 24 claims and any relief sought?

25 **4. MOTIONS**

26 There are no prior or pending motions. Depending on the outcome of

27 discovery, the parties may file a motion for summary judgment. Otherwise the

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1 parties do not presently contemplate filing any dispositive motions. No particular
2 motions in limine are presently foreseen.

3 **5. AMENDING PLEADINGS**

4 The parties do not intend to amend or supplement the pleadings at this time
5 but reserve the right to do so after engaging in further discovery, if necessary.
6 However, in the event that it is necessary, Plaintiff will move to join parties or
7 amend the pleading by November 15, 2015.

8 **6. INITIAL DISCLOSURES**

9 Rule 26(a) Initial Disclosures will be completed by August 14, 2015.

10 **7. STATUS OF DISCOVERY**

11 To date, no discovery has been taken by either party.

12 Plaintiff has yet to serve Defendant with discovery, but anticipates doing so
13 shortly, including, but not limited to interrogatories, request for production of
14 documents, and requests for admissions. Upon receipt of written responses and
15 production of documents, Plaintiff intends to take the Rule 30(b)(6) deposition(s) of
16 Defendant and additional written discovery.

17 Defendant has yet to serve Plaintiff with any written discovery but anticipates
18 doing so shortly. Defendant intends to take the deposition of Plaintiff and propound
19 additional written discovery if necessary. Defendant also intends to subpoena
20 telephone records.

21 **a. Scope of Discovery**

22 Neither Party requires any limitations on discovery. The number of
23 interrogatories, requests for admissions, and requests for production of documents,
24 as well as the number and length of depositions shall be as set forth in the Federal
25 Rules of Civil Procedure. The Parties will meet and confer regarding the terms of a
26 Stipulated Protective Order if necessary.

27 The parties intend to take at least 1 deposition each and to exchange written
28 discovery

1 Defendant does not believe phased discovery is necessary or appropriate in
2 this matter.

3 Plaintiff's topics of discovery include Plaintiff's collection file, the
4 underlying debt and Defendant's debt collection policies and procedures.

5 **b. Discovery Plan**

6 Plaintiffs propose the following schedule:

7 Initial Disclosures Due: August 14, 2015

8 Fact Discovery Cut-Off: April 6, 2016

9 Opening Expert Witness Disclosure: February 18, 2016

10 Rebuttal Expert Witness Disclosure: March 19, 2016

11 Expert Discovery Cut-Off: May 4, 2016

12 **8. RELATED CASES**

13 None known at this time.

14 **9. DAMAGES**

15 Plaintiff seeks actual damages for emotional distress in an amount to be
16 determined by this Court for violation of the RFDCPA, and FDCPA, statutory
17 damages for violation of the RFDCPA and FDCPA, in addition to reasonable
18 attorneys' fees and costs.

19 Defendant obviously denies Plaintiff has been damaged.

20 **10. INTERESTED PARTIES**

21 Defendant has filed the "Certification and Notice of Interested." Defendant
22 is unaware of any persons, firms, partnerships, corporations (including parent
23 corporations) or other entities having either: (i) a financial interest in the subject
24 matter in controversy or in a party to the proceeding; or (ii) any other kind of
25 interest that could be substantially effected by the outcome of the proceedings.

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1 **11. TRIAL DATES**

2 Plaintiffs propose the following schedule:

3 Trial Date:	May 18, 2016
4 Final Pretrial Conference:	May 8, 2016
5 Fact Discovery Cut-Off:	April 6, 2016
6 Expert Discovery Cut-Off:	May 4, 2016
7 Last Day for Hearing Motions:	May 4, 2016

8 **12. TRIAL ESTIMATES**

9 Plaintiff has requested a jury trial. Plaintiffs estimate that a trial may last
10 between 2 and 4 days. Plaintiffs expect to call at least 2 witnesses to testify at trial.
11 Plaintiffs reserve the right to call any witnesses the Defendant may call.

12 Defendant expects to call 2 or 3 witness.

13 **13. SETTLEMENT**

14 No settlement negotiations have occurred to date.

15 Under L.R. 16-15.4, Plaintiff is amenable to utilizing ADR Procedure No. 2:
16 the parties shall appear before a neutral selected from the Court's Mediation Panel.

17 **14. MANUAL FOR COMPLEX LITIGATION**

18 Neither Plaintiff of Defendant believe this action is complex or requires
19 reference to the procedures set forth in the Manual for Complex Litigation.

20 **15. DISPOSITIVE MOTIONS**

21 Depending on the outcome of discovery, the parties may file a motion for
22 summary judgment. No particular motions in limine are presently foreseen. Plaintiff
23 proposes that the Court set the last day to file dispositive Motions on March 6, 2016
24 and the last day for hearing dispositive Motions on April 6, 2016.

25 **17. OTHER ISSUES**

26 None. At this time, Plaintiff does not believe that this case presents any
27 unusual legal issues.

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Pardeep Kullar v. AFNI, Inc.

Case No. 2:15-CV-04604 (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a citizen of the United States and employed in Los Angeles, California, at the office of a member of the bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within actions; my business address is 11601 Wilshire Blvd., Los Angeles, California 90025.

On July 17, 2015, I served the document(s) entitled, **JOINT RULE 26(F) REPORT**, on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope(s) addressed as stated below:

SEE ATTACHED SERVICE LIST

☐ **(BY MAIL):** I deposited such envelope in the mail at Los Angeles, California with postage fully prepaid. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be placed for collection and mailing, and deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.


☐ **(VIA OVERNIGHT MAIL):** I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery. Under that practice it would be deposited in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served, at the office address as last given by that person on any document filed in the cause and served on the party making service; otherwise at that party's place of residence.

☐ **(BY ELECTRONIC MAIL):** By transmitting a true copy thereof to the electronic mail addresses as indicated below.

☐ **(BY FACSIMILE):** By transmitting an accurate copy via facsimile to the person and telephone number as stated.

☒ **(BY CM/ECF SERVICE):** I caused such document(s) to be delivered electronically via CM/ECF as noted herein.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and was executed on **July 17, 2015**, at Los Angeles, California.


Robin Mojica

SERVICE LIST

Pardeep Kullar v. AFNI, Inc.

Case No. 2:15-CV-04604 (RAOx)

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